

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK LEASE EXTENSION

This is to certify that: CLOUD BERRY LLC
PO BOX 1359
CALDWELL ID 83606
(208) 890-0451

has requested to extend the lease of the water right(s) listed below to the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director", "Department") the acquisition of water rights for the Board's Bank, agrees to lease the water right to the Bank as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right	Lease Rate	Lease Volume	Acre Limit	Total Leased Acres
63-5094	1.00 CFS		N/A	80.0 AC
63-32960	3.70 CFS		N/A	444.0 AC
COMBINED LEASE TOTALS:	4.70 CFS	799.2 AF	N/A	444.0 AC

TERM OF LEASE:

Lease Begin Date: January 1, 2013

Expiration Date: December 31, 2017

RENTAL AVAILABILITY:

Season of Use: 03/01 to 11/15 for Irrigation
01/01 to 12/31 for Stockwater

MINIMUM PAYMENT ACCEPTABLE:

Administrative Fee for Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 17th day of June, 20 13


Brian Patton, Acting Administrator
Idaho Water Resource Board

SUPPORT DATA

IN FILE # 63-5094

SCANNED
JUN 18 2013

WATER RIGHT NO. 63-5094
WATER SUPPLY BANK LEASE EXTENSION

The water right or portion thereof leased to the bank is described as follows:

Lessor: CLOUD BERRY LLC
 PO BOX 1359
 CALDWELL ID 83606
 (208) 890-0451

Priority Date: 01/01/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01 to	11/15	1.00 CFS
STOCKWATER	01/01 to	12/31	0.22 CFS
Total:			1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3	Twp 04N	Rge 01W	ADA County
GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 10	Twp 04N	Rge 01W	ADA County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION AND STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	3											5.5	8.5					14.0
04N	01W	10					33.0	33.0											66.0

Total Acres: 80.0

Acre Limit within Place of Use described: N/A

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank based on the current rental rate.
2. Any violation of the terms of this lease may result in enforcement procedures pursuant to Section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.
3. A water right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
4. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
5. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
6. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.

**WATER RIGHT NO. 63-5094
WATER SUPPLY BANK LEASE EXTENSION**

CONDITIONS OF ACCEPTANCE

7. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
8. The amount available for lease under rights 63-5094 and 63-32960 is limited to a total combined annual volume of 799.2 acre-feet.
9. This right is not available for rental from the bank without additional review by the Department.
10. This right is only available for rental by the City of Eagle.



WATER RIGHT NO. 63-32960
WATER SUPPLY BANK LEASE EXTENSION

The water right or portion thereof leased to the bank is described as follows:

Lessor: CLOUD BERRY LLC
 PO BOX 1359
 CALDWELL ID 83606
 (208) 890-0451

Priority Date: 10/06/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	3.70 CFS
STOCKWATER	01/01	to 12/31	0.43 CFS
	Total:		3.70 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 2	Twp 04N	Rge 01W	ADA County
GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3	Twp 04N	Rge 01W	ADA County
GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 10	Twp 04N	Rge 01W	ADA County
GROUND WATER	NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 11	Twp 04N	Rge 01W	ADA County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION AND STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2											9.5	4.0					13.5
04N	01W	3											5.5	8.5			1.5		15.5
04N	01W	9	18.0																18.0
04N	01W	10	36.0	36.0	35.0	39.0	37.0	37.0											220.0
04N	01W	11		31.0			33.0	35.0	39.0	39.0									177.0

Total Acres: 444.0

Acre Limit within Place of Use described: N/A

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank based on the current rental rate.
2. Any violation of the terms of this lease may result in enforcement procedures pursuant to Section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.
3. A water right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
4. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
5. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

**WATER RIGHT NO. 63-32960
WATER SUPPLY BANK LEASE EXTENSION**

CONDITIONS OF ACCEPTANCE

6. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
7. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
8. The amount available for lease under rights 63-5094 and 63-32960 is limited to a total combined annual volume of 799.2 acre-feet.
9. Rental of the irrigation portion of this right appurtenant to 190.5 acres located sections 2 and 11, T04N, R01W, for municipal use is limited to the consumptive use portion of 342.9 acre-feet, which is an annual diversion volume of 266.7 acre-feet.
10. The irrigation and stockwater portion of this right appurtenant to 253.5 acres located sections 3, 9 and 10, T04N, R01W, is not available for rental from the bank without additional review by the Department.
11. This right is only available for rental by the City of Eagle.

